

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DENNIS URGENT,

Plaintiff,

v.

DENNIS URGENT(c)TM®, *et al.*,

Defendants.

No. 4:19-CV-01348

(Judge Brann)

(Chief Magistrate Judge Schwab)

ORDER

SEPTEMBER 10, 2020

Plaintiff filed the instant action on August 2, 2019, and it was jointly assigned to the undersigned and to a magistrate judge. Upon designation, a magistrate judge may “conduct hearings, including evidentiary hearings, and . . . submit to a judge of the court proposed findings of fact and recommendations.”¹ Once filed, this report and recommendation is disseminated to the parties in the case who then have the opportunity to file written objections.²

On June 18, 2020, Chief Magistrate Judge Susan E. Schwab, to whom this matter is jointly assigned, issued a thorough report and recommendation recommending that the Court grant certain Defendants’ motion to dismiss,³ deny

¹ 28 U.S.C. 636(b)(1)(B).

² 28 U.S.C. 636(b)(1).

³ *See* Doc. 11.

Plaintiff's motion to consolidate,⁴ deny Plaintiff's motion for summary judgment,⁵ and dismiss without leave to amend all of Plaintiff's civil claims. With respect to Plaintiff's habeas claims, Chief Magistrate Judge Schwab recommends that the Court grant Urgent leave to file an amended habeas corpus petition.

No objections to the report and recommendation have been filed. For portions of the report and recommendation to which no objection is made, the Court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."⁶ Regardless of whether timely objections are made by a party, the District Court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.⁷

Because I write solely for the parties, I will not restate the facts, but will instead adopt the recitation of facts as set forth by the magistrate judge. I have conducted a de novo review here and found no error.

AND NOW, IT IS HEREBY ORDERED that:

1. Chief Magistrate Judge Susan E. Schwab's June 18, 2020 Report and Recommendation, Doc. 22, is **ADOPTED in full**.

⁴ See Doc. 8.

⁵ See Doc. 9.

⁶ Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa.2010) (*citing Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that judges should give some review to every report and recommendation)).

⁷ 28 U.S.C. § 636(b)(1); Local Rule 72.31.

2. The motion to dismiss at Doc. 11 is **GRANTED**.
3. Plaintiff's motion to consolidate at Doc. 8 is **DENIED**.
4. Plaintiff's motion for summary judgment at Doc. 9 is **DENIED**.
5. All of Plaintiff's civil claims are **DISMISSED** without leave to amend.
6. Plaintiff is granted leave to file an amended habeas corpus petition.
7. This matter is referred back to Chief Magistrate Judge Schwab for further proceedings.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge